

REMARKS**OVERVIEW**

Claims 1-21 are pending in this application. Claims 1, 7, 12, 13, and 19 have been amended. The present response is in earnest effort to place all claims in proper form for immediate allowance.

ISSUES UNDER 35 U.S.C. § 103(a)

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson. The Applicant has amended claim 1 to include the additional limitation "such that at least one wall of the external auditory canal remain unobstructed to allow ambient sound into the external auditory canal and to avoid an occlusive effect". The support for the limitation may be found by referring to Figure 3. Note that the bottom wall remains unobstructed. These limitations are not disclosed in Anderson, Ono or Kruger. Therefore, the rejection to claim 1 should be withdrawn. As claims 2-6 depend from claim 1, it is respectfully submitted that these rejections should also be withdrawn.

Claim 7 has been rejected under 35 § U.S.C. 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 4,150,262 to Ono. Claim 7 has been amended to require "that at least one wall of the external auditory canal remains unobstructed." This limitation is not disclosed in Anderson nor is it disclosed in Ono. See, for example, Figure 3 of Ono where the walls of the external auditory canal 2 are obstructed. Therefore, the rejection to claim 7 should be withdrawn as claims 8-11 depend from claim 7, it is respectfully submitted that these rejections should also be withdrawn as well.

Claim 12 has been rejected under 35 § U.S.C. 103(a) as being unpatentable over Anderson in view of Ono and further in view of Kruger U.S. Patent No. 5,692,059. The

Applicant has amended claim 12 to include the limitation "maintaining at least one wall of the external auditory canal as being unobstructed." This limitation is not disclosed in Anderson, in Ono, or in Kruger. Therefore, the rejection of claim 12 should be withdrawn as claims 13-18 depend from claim 12, it is respectfully submitted that these rejections be withdrawn as well.

Claim 19 has been rejected under 35 § U.S.C. 103(a) as being unpatentable over Anderson in view of Ono and in further view of Krueger. Anderson does not disclose transmitting both bone conduction signals and air conduction signals at the same time and using one transmitter. Neither does Ono or Kruger, which are not directed towards transmission of signals. In fact, where two signals are sensed, Anderson discloses using two earpieces (col. 26, lines 54-65) and Anderson does not disclose that one signal is a bone conduction signal while one is an air conduction signal. To make this distinction more explicit, claim 19 has been amended to require the "simultaneous" transmission. As claims 20 and 21 depend from claim 19, it is respectfully submitted that these rejections be withdrawn as well.

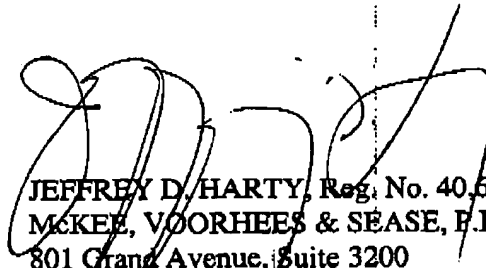
CONCLUSIONS

Based upon the foregoing, Applicant respectfully submits that all pending claims are in condition for immediate allowance, as they are patentably distinguishable over the prior art.

Please consider this a two-month extension of time, therefore, please charge the extension of time fee of \$205.00 to Deposit Account No. 26-0084. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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